

NOTICE OF LIABILITY FOR PRIVACY INFRINGEMENT RE: REQUIRING PROOF OF VACCINE TO REMAIN EMPLOYED

<your first last name>, a private human living soul, of lawful and legal age of majority; presents this notice of liability to **<first, last name of person who caused harm>** another private human living soul, of lawful and legal age of majority. If **<first, last name of person who caused harm>** does not rectify the matter of breach of privacy, informed consent, and loss of wages there will be a private collection, criminal and civil proceeding to seek compensation and a request in civil court for an equity decision to rectify the matter by way of an order for **<first, last name of person who caused harm>** to cease and desist requirement that one produce proof of vaccine as a requirement to remain employed.

STATEMENT OF FACTS

1. **<your first last name>** was denied entry to **<place of employment>** **<your first last name>** place of employment by the staff **<first, last name of person who caused harm>**. **<your first last name>** was advised that **<your first last name>** was required to show proof of vaccination to continue working with pay.
2. **<your first last name>** stated that this is private medical information that they did not have to disclose pursuant to their natural and legal right to privacy.
3. The staff **<first, last name of person who caused harm>** was advised **<your first last name>** would be sent home on leave without pay which is constructive dismissal if they did not disclose their vaccine status.

HARM CAUSED

<your first last name> suffered violation of their right to 1. Informed consent 2. Right to privacy, and 3. Loss of livelihood by way of constructive dismissal if they did not reveal their vaccine status. As well **<your first last name>** suffered an attempted assault because it was an attempt to force a vaccine without informed consent.

THE LAW

The, British North American Act now known as 'at law' as the Canada/Constitution Act, 1867 to 1982 as amended to include the Charter of Rights and Freedoms, restrict the scope and applicability for CANADA and not the land or the geographical area with defined territorial boundaries know as Canada; and

The, enacting of clause/Royal Assent and Section 2 of the British North American Act, 1867 was repealed as per the Statue of Revision Act, 1893 and The Canada/Constitution Act, 1982 remains subject to Section 59 until ratified and fixed by proclamation before coming into force by way of Royal Assent, and

Therefore, this notice of liability will rely on the following statutes and common law precedents that recognize and protect the right to privacy in Canada:

1. Canadian Bill of Rights S.C. 1960, c. 44, section 1(a) right to informed consent and privacy.
<https://laws-lois.justice.gc.ca/eng/acts/c-12.3/page-1.html>

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2. Case law implied bill of rights:
Summary: The Bank Taxation Act; The Credit of Alberta Regulation Act; and the Accurate News and Information Act, SCR 100 ,1938
The Supreme Court of Canada ruled on the Reference re Alberta Statutes. It found that the Accurate News and Information Act, along with the others submitted to it for evaluation, was ultra vires (beyond the powers of) the Alberta government. In the case of the Accurate News and Information Act, the court found that the Canadian constitution included an "implied bill of rights" that protected freedom of speech as being critical to a parliamentary democracy. ***This determined that the provinces cannot override fundamental rights.***
<https://www.canlii.org/en/ca/scc/doc/1938/1938canlii1/1938canlii1.html>
3. Case law light to sue for breach of privacy:
Jones v. Tsige, 2012
Summary: The Ontario Court of Appeal declared that the common law in Canada recognizes a right to personal privacy, more specifically identified as a "tort of intrusion upon seclusion", as well as considering that appropriation of personality is already recognized as a tort in Ontario law. This allows individuals to sue for breach of privacy.
<https://www.canlii.org/en/on/onca/doc/2012/2012onca32/2012onca32.html>
4. Personal Information Protection and Electronic Documents Act 2000 (PIPEDA).
5. Personal Health Information Protection Act 2004 (PHIPA).
6. Ontario Health and Safety Act R.S.O.1990,c.0.1.
Section 53, Information Confidential:
(f) Employer access to health records
(2) No employer shall seek to gain access, except by an order of the court or other tribunal or in order to comply with another statute, to a health record concerning a worker without the worker's written consent. R.S.O. 1990, c. O.1, s. 63 (2).
<https://www.ontario.ca/laws/statute/90o01>
7. Municipal Freedom of Information and protection of Privacy Act, R.S.O. 1990, c.M.56.
8. Freedom of Information and Protection of Privacy Act of Ontario (FOIPOP).
9. Freedom of Information Act (FOIA).
10. Criminal Code of Canada:
Enforcement of this public health recommendation is a crime under the following criminal codes:
Section 265 (1), (3) - regarding no consent medical treatment is assault.
Section 346(1) - Extortion to take the test/vaccine or...
Section 264.1(1) - Uttering threats, do the test or take the vaccine or...
SEction 319(1) - Public Incitement of Hate by asking for a vaccine status in public.
<https://laws-lois.justice.gc.ca/eng/acts/c-46/section-264.1.html>

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11. The Nuremberg Code.
12. Employment contract law and precedents.
13. Bill S-201 - An act to prohibit and prevent genetic discrimination:
It is a criminal offence in Canada to use a genetic test to discriminate under Bill S-201
NOTE: both the PCR and rapid test are genetic tests.
<https://www.parl.ca/DocumentViewer/en/42-1/bill/s-201/royal-assent>
14. Case law on Bill S-201, 2020:
Summary: Supreme Court of Ontario upheld Bill S-201 and that it is a criminal offense to discriminate based on genetic test results.
15. The following case law for informed consent:
Parmley vs Parmley, 1945
Page 645
Informed consent medical.
Summary: Consent must be made freely and information about the risks must be given.
<https://www.canlii.org/en/ca/scc/doc/1945/1945canlii13/1945canlii13.html>

Hopp vs Lepp, 1980
Page 196
Informed consent medical.
Summary: Consent must be made freely and information about the risks must be given
<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2553/index.do>

R vs Ewanchuk, 1999
If no consent, then assault
Summary: Where there is a threat of harm or reprisal or pressure from an authority there is no consent and therefore the act is assault.
<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1684/index.do>

ATTEMPT TO RECTIFY THE MATTER

If the staff member *<first, last name of person who caused harm>* ceases and desists requiring proof of vaccination in 7 days, then this matter will be resolved.

IF THE MATTER IS NOT RECTIFIED IN 7 DAYS

<your first last name> hereby gives notice if rectification as described above is not established after 7 days *<your first last name>* will pursue compensation in the amount of \$5,000.00 for the loss of the right to privacy and \$5,000.00 for the violation of the right to informed consent. 5,000.00 for attempted assault. As well the loss of income in the amount of \$20,000.00 for loss of meaningful employment. Total of this liability claim is \$35,000.00.

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As well, *<your first last name>* will seek to remedy of this ongoing violation of the right to informed consent, the right to privacy and attempted assault by *<first, last name of person who caused harm>*.